

### **REMARKS/ARGUMENTS**

The Final Office Action of December 17, 2003, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1, 13, 17, 22, 23, 35, 39, 41, 43, 44, and 64 have been amended. Claims 1-64 remain pending.

Applicant has amended independent claims 1, 17, 23, and 39 to conform to similar recitations within Applicant's pending independent claim 45. These amendments do not add new subject matter and thus a further search is not required. Applicant has amended dependent claims 13, 22, 35, 41, 43, 44, and 64 merely to conform the claims to their respective underlying base claim.

#### **Rejections under 35 U.S.C. § 103(a)**

Claims 1-64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jois et al.* (U.S. Patent No. 6,112,242, hereinafter referred to as *Jois*) in view of *Moore et al.* (U.S. Patent No. 6,330,575, hereinafter referred to as *Moore*). Applicant respectfully traverses this rejection.

Independent claim 45 recites, among other features, "receiving a predetermined region selection signal indicative of a user interface selection device pointing at a selected predetermined region on the display." Applicant's invention is patentably distinguishable over the prior art because the combination of *Jois* and *Moore* fails to teach or suggest this feature of Applicant's claim 45. The Action directly admits that *Jois* does not explicitly disclose this step of Applicant's claim 45. (Action, page 9). The Action fails to cite a single disclosure in *Jois* or *Moore* to describe this feature of Applicants' claim 45. Necessarily, the combination of *Jois* and *Moore* fails to teach or suggest every feature of Applicants' claim 45.

The Action alleges that it "would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified *Jois* to include the selection signal" ... because "*Jois* has the ability of selecting a predetermined region where each region has a different style selected for generating the web page [and] inherently shows that the system has the selection signals for the selection actions when selecting the subtemplates of different styles." (Action, page 10).

The Action's reason for modifying *Jois* to obtain the claimed invention is nothing more than a textbook example of impermissible hindsight. Namely, the Action, being aware of the claimed invention, merely decided that the claimed features were obvious even though the reference fails to teach, describe, or even suggest the claimed feature. Without a single disclosure in *Jois* to support its allegation, the Action contends that "*Jois* has the ability of selecting a predetermined region where each region has a different style selected for generating the web page [and] inherently shows that the system has the selection signals for the selection actions when selecting the subtemplates of different styles." Indeed, *Jois* does not teach this ability as admitted by the Action at page 9. Moreover, *Jois* fails to even teach or suggest selection of regions of a web page. At best, the *Jois* system will generate a web page in response to embedded program tags in the master template. (Figure 6, col. 6, lines 16-24 and lines 46-60). Significantly, *Moore* fails to cure the deficiencies of *Jois*. At best, *Moore* allows a user to place content into the header and/or footer field and allows a user to select an overall "page style". Necessarily, *Moore* fails to teach or suggest, "receiving a predetermined region selection signal indicative of a user interface selection device pointing at a selected predetermined region on the display," as recited among other features, in Applicant's claim 45. In light of the foregoing reasons, Applicant submits that claim 45 distinguishes over the prior art of record and is in condition for allowance.

Independent claims 1, 17, 23, and 39 each recite, among other features, "receiving a predetermined selection signal indicative of a user interface selection device pointing at a selected predetermined region of a web page layout." This feature is substantially similar to the feature discussed above with reference to Applicant's claim 45. As such, Applicant's claims 1, 17, 23, and 39 are patentably distinguishable over the prior art for at least the same reasons as above with respect to independent claim 45 and further in view of the novel features recited therein.

Applicant's claims 2-16 and 62-63, 18-22 and 64, 24-38, 40-44, and 46-61, which depend from claims 1, 17, 23, 39, and 45, respectively, are patentably distinct over the combination of *Jois* and *Moore* for at least the same reasons as their ultimate base claim and further in view of the novel features recited therein.

Appl. No. 09/299,724  
Amdt. Dated January 30, 2004  
Response to Final Office Action of December 17, 2003

### CONCLUSION

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, she is encouraged to contact the undersigned attorney at the telephone number indicated below. No fee is believed due, however, if any fees are required or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733. Applicant looks forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,  
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Date: January 30, 2004

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